HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20677 of 2006

Dated:29.09.2006

Between:

Syed Jameel Ahmed.

…Petitioner

and

The Revenue Divisional Officer and others.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.20677 of 2006

ORDER:

The petitioner claims to be the owner of premises bearing House No.1-16-655, Idgah Colony, Sirpur Kagaznagar. The property is situated in Survey No.151 admeasuring Ac.1.18 guntas at Kothapet Village, which is endowed to Idgah. The petitioner's father allegedly constructed house five decades ago. After the death of his father, the petitioner is residing in the house. It appears, members of the Idgah Committee raised a dispute and tried to forcibly evict the petitioner. Therefore, the petitioner approached the second respondent to conduct necessary enquiry into the matter. He referred the matter to the first respondent, who initiated enquiry and issued notices on 26.01.2006 and 27.03.2006. The petitioner complains that even till today, the first respondent did not complete the enquiry. Therefore, he filed the present Writ Petition.

There cannot be any quarrel that whenever there is a dispute regarding property between two individuals, the revenue authorities cannot decide the possession of title. However, if there is a dispute regarding boundary of agricultural land, it is always open to the revenue officials to conduct enquiry as per Board Standing Order 34-B. In this case, there is a dispute whether the petitioner is entitled to continue in the land, which is allegedly endowed to Idgah of Sirpur Kagaznagar. Having initiated enquiry, the Revenue Divisional Officer ought to have completed the same. As the same was not completed, the present Writ Petition is filed.

Therefore, this Court observes that the first respondent should

complete the enquiry within a period of four weeks from the date of receipt of a copy of this order, and issue necessary proceedings keeping in view the observations made hereinabove.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

29.09.2006

Note: Issue C.C by 03.10.2006.

B/o.

vs